

Proposed Amendment No 7 to the Telecommunications Information Privacy Code 2003

Information Paper

This information paper assists those wishing to make a submission on proposed Amendment No 7 to the Telecommunications Information Privacy Code 2003.

The proposed amendment extends the emergency caller location information system permitted in 2017, by facilitating the active collection of location information from devices where necessary to prevent or lessen a serious threat to the life or health of an individual. The system will still require the existence of an emergency but is no longer contingent on the making of an emergency call.

Submissions

Address submissions to Office of the Privacy Commissioner at privacy.code@privacy.org.nz. (If you do not have access to email, submissions may be posted to TIPC Amendment Submissions, Office of the Privacy Commissioner, PO Box 466, Auckland 1140.)

Deadline: **28 February 2020**

Submissions may be made public by the Privacy Commissioner or released under the Official Information Act.

Enquiries: telephone Linda Williams on 09 302 8658.

30 January 2020

Extending the Emergency Caller Location Information system

The Privacy Commissioner proposes to amend the Telecommunications Information Privacy Code (“the Code”) to extend the existing emergency caller location information system.

What does the Code currently permit?

In early 2017, the Privacy Commissioner introduced a new Schedule 4 to the Code which enables the collection and sharing of location information about a mobile device when an emergency call is made, without the express consent of the emergency caller.

The current system gives emergency service providers (police, ambulance and fire service) access to location information that is either automatically generated by the device used to make the emergency call or provided automatically by network operators for devices that are not enabled to send location information. The Ministry of Business, Innovation and Employment (“MBIE”) oversees the operation of the system, but does not use location information for its own purposes.

What more will the extensions permit?

MBIE has reported that the current system has been highly effective and was used to determine the location of 400,000 emergency callers in its first 12 months of operation.¹ However, MBIE and emergency service providers have identified shortcomings in the current system that continue to impact on effective emergency response, and have sought extensions to the system to:

1. enable the active collection of location information from a device in the absence of an emergency call; and
2. enable the collection of location information from a broader range of devices that can generate location information.

Enabling active collection of location information in the absence of an emergency call

The system currently permitted by the Code is limited to establishing the location of emergency callers. It does not address various situations in which the collection of location information in the absence of an emergency call would assist with the emergency response. For example:

- If an emergency call drops while emergency services are attempting to locate the caller, emergency service providers will no longer have access to the caller’s location.
- If the individual who needs to be located is not the emergency caller (such as a family member who is known to have become lost in a remote area or an individual who needs to be located because they are believed to be at risk of harming themselves), emergency services cannot use the existing system to access location information about them.

¹ <https://www.stuff.co.nz/national/108757933/111-emergency-call-tracking-technology-extended-to-all-mobile-phones>

The proposed amendment facilitates this extension, subject to safeguards set out below, by permitting the active collection and use of location information by emergency service providers, in the absence of an emergency call, where this is necessary to prevent or lessen a serious threat to the life or health of an individual. The existing system relating to emergency calls will continue to operate.

Broadening the kinds of devices from which location information may be collected

Emerging technologies will change the way individuals interact with the emergency services. As use of smart technology continues to evolve, other location capable devices (such as personal distress alarms and vehicle alert systems) will increasingly become a potential source of valuable location information for emergency service providers.

The Code currently limits the application of the system to a narrow set of “mobile devices.” The proposed amendment broadens this application to any devices capable of generating location information, thereby ensuring that the Code remains flexible enough to accommodate new technology.

Emergency service providers will be permitted to access the location of “telephone devices”, such as mobile phones or tablets configured for VOIP, without individual consent, as is the case today. However, the proposed amendment requires location capable devices (other than telephone devices) to be opted in to the system by their users before the location information they generate can be accessed. This recognises that people may not expect emergency service providers to have access to the location of devices that are not designed to communicate, such as wearable devices, so individual authorisation will be required.

How will system boundaries be strengthened?

Unregulated, the proposed system extensions could allow location agencies (MBIE and the emergency service providers) to locate almost any individual in the country at any time. This is not their intention, or ours. However, the technology required to deliver the extended system could be highly intrusive if misused.

For this reason, the proposed amendment places strengthened boundaries around the extended system, strictly maintaining the link between an emergency and the sharing of location information. The amendment also strengthens accountability, accuracy and reporting requirements. The proposals include the following additional safeguards:

- The active collection of location information in the absence of an emergency call is only permitted where this is necessary to prevent or lessen a serious threat to the life or health of an individual.
- The information may only be used to respond to the emergency for which it was collected.
- Agencies must be transparent about the extensions, must safeguard the location information collected, must take steps to ensure they’re tracking the correct device, and must minimise the location information they collect (by frequency and duration).

- The relevant government agency must maintain a log of all disclosures of location information, which includes the purpose for the disclosure, and must provide this log to the Commissioner on a quarterly basis. Such transparency will be critical to regulator (and public) trust in the extended system.
- The Commissioner proposes to review the operation of the system extensions to assess how they are being used, to ensure it is lawful, reasonable and proportional.

Can the system be used for non-emergency purposes?

As a result of the safeguards and limitations outlined above, the new system *cannot* be used for any purposes other than locating an emergency caller, responding to an emergency, or maintaining a record of the information relied upon to respond to the emergency. Any use of the system to actively locate individuals for non-emergency purposes must be based on clear and express statutory authority, and we doubt that any current statutory regime would authorise this.

The proposed amendments explained

The proposed amendments are explained below, clause by clause. The majority of the amendments focus on Schedule 4. For ease of reference, and to assist with submissions, Schedule 4 with amendments shown in track changes is set out at Appendix 1. The full text of the proposed amendment follows at Appendix 2.

1. Title

No comment.

2. Commencement

The amendment is proposed to come into force in mid-April 2020. However, this date may change if the Commissioner needs to take extra time to consider any issues raised in submissions.

3. Insertion of new clause 2A (review)

The Commissioner is committed to reviewing the effects of this proposed amendment, to ensure that the extensions to the emergency location information system are not misused.

4. Amendment to clause 4 (application of code)

We propose to amend clause 4(1) of the Code to refer to a new definition of “location information” (clause 9(1) of the proposed amendment). For the purposes of Schedule 4, “telecommunications information” (see clauses 3 and 4(1) of the Code) will include this new category of information.

5. Amendment to clause 5: Rule 3 (collection from individual)

Schedule 4 of the Code requires all agencies participating in the emergency location information system to be open and transparent with the public about the system and the ways it processes personal information. We propose to amend rule 3 of the Code to reiterate that agencies participating in the system are subject to additional transparency requirements set out in the Schedule.

6. Amendments to clause 5: Rule 5 (storage and security)

We propose to make two small changes to subrule 5(1A) of the Code, which was inserted by Amendment No 5, to align with proposed changes to Schedule 4 outlined below.

7. Amendment to clause 5: Rule 8 (accuracy etc)

We propose to include a reference to additional accuracy requirements (outlined below) to rule 8 of the Code.

8. Amendments to Schedule 4: Title and preamble

We propose to amend the title and preamble of Schedule 4 to reflect the extensions proposed to the emergency location information system.

9. Amendments to Schedule 4: Clause 1 (interpretation)

We propose to insert new definitions into clause 1 of Schedule 4, in order to facilitate the extensions proposed to the emergency location information system. Many of the amendments simply align with new terms or acronyms introduced elsewhere in the Schedule. However, the following changes are noteworthy:

- The proposed amendment broadens the categories of location information permitted to be collected and shared, creating a new category of “Emergency Location Information”, which encompasses “Emergency Caller Location Information” (which relates to the location of an emergency caller and is currently permitted by the Schedule) and “Device Location Information” (which relates to the location of any device in the absence of an emergency call).
- As the changes will permit the collection of location information from devices other than mobile phones, potential sources of location information have been expanded to include Internet service providers, which may hold location information about some devices. ISPs are already subject to the Code but are not currently permitted to participate in the system enabled by Schedule 4.
- Previous references to a “mobile device” are replaced with the proposed term “location capable device”, which is defined, to ensure that devices capable of sending alerts or other forms of telecommunication (such as wearable devices, vehicle alert systems or personal distress alarms) may be included in the system. We also introduce the Telecommunications Act 2001 definition of “telephone device”.

- Proposed amendments to the definition of “DLI source” ensure that devices other than telephone devices (such as wearable devices) must be opted in to the emergency location information system by the device user.
- A new definition of “location information” is proposed to be included in the Schedule, which aligns with overseas definitions and removes the connection to an emergency call.
- We propose to amend the definition of “permitted primary purpose” to limit the collection, sharing and use of location information in the absence of an emergency call (that is, Device Location Information) to situations in which this is necessary to respond to a serious threat to the life or health of an individual.
- “Serious threat” is proposed to be given the same meaning as in section 2(1) of the Privacy Act.

10. Amendments to Schedule 4: Clause 2 (authorisation of additional agencies)

These proposed amendments align clause 2 of Schedule 4 with the proposed new definition of Emergency Location Information and a change in the name of the system.

11. Amendments to Schedule 4: Clause 3: (collection, use, disclosure etc)

Clause 3 of Schedule 4 regulates the way location agencies may collect, use and disclose location information. These proposed amendments make several changes to clause 3 to align with the proposed new definitions inserted by clause 9 of the proposed amendment. However, two substantive changes are proposed to be made that introduce new obligations or limitations on the collection and use of location information:

- A proposed new subclause (2A) introduces additional accuracy requirements where location information is being collected from a device that has not made an emergency call, to ensure that the device from which location information is actively collected is in fact the device owned or used by the individual who needs to be located.
- A proposed new subclause (2B) requires location agencies to minimise data collection, by limiting the frequency (that is, the level of detail of the location information) and duration (that is, the length of time location information is collected) of the collection to that which is necessary for responding to the emergency.

12. Amendments to Schedule 4: Clause 4 (transparency)

These proposed amendments align clause 4 of Schedule 4 with the proposed new definitions and reflect proposed changes to the way the emergency location information system will operate.

13. Amendments to Schedule 4: Clause 5 (retention)

These proposed amendments align clause 5 of Schedule 4 with the proposed new definitions and reflect proposed changes to the way the emergency location information system will operate.

14. Amendments to Schedule 4: Clause 6 (safeguards)

These proposed amendments align clause 6 of Schedule 4 with the proposed new definitions and reflect proposed changes to the way the emergency location information system will operate.

They also propose (at clause 14(3) of the proposed amendment) the insertion of a new subclause (3) that requires the relevant government agency to maintain a log of all disclosures of emergency location information, including the purpose for that disclosure. This “disclosure log” is intended to ensure that a record is kept of any sharing of information obtained from the system for purposes *other than* responding to an emergency.

15. Amendments to Schedule 4: Clause 7 (assurance of compliance)

We propose to amend clause 7 of Schedule 4 to require the relevant government agency to provide the Commissioner with a copy of the “disclosure log” on a quarterly basis.

Questions for submitters

We invite submissions on any part of the proposed amendment but are particularly interested to hear public and industry views on the following matters:

1. Do you think the public safety benefits that should result from the amendments warrant the enabling of a more intrusive system?
2. Do you agree that location capable devices, other than telephone devices, should be opt in only?
3. Do you think the controls and safeguards included in the proposed amendments are sufficient?
4. Do you have any other comments about the proposed changes?

Schedule 4 mark-up

Schedule 4 Emergency ~~caller~~ location information system ~~(mobile)~~

Schedule 4 enables the disclosure of emergency ~~caller~~ location information (“~~ECLI~~”) by network operators or Internet service providers to emergency service providers, and the collection and use of ~~ECLI~~ by emergency service providers, for the purpose of establishing the location of an individual who has made an emergency call, in order to facilitate a response to that call; or to prevent or lessen a serious threat to an individual’s life or health.

The Schedule regulates location information which is automatically generated ~~by enabled mobile devices, and by network operators using cell tower locations,~~ when making an emergency call. It also regulates the use of technology that enables the collection of location information about location capable devices in the absence of an emergency call from the individual concerned, where a serious threat to individual life or health exists.

The Schedule limits the collection, retention, use and disclosure of ~~ECLI~~ to ensure that the sharing and use of this information is at all times connected with responding to an emergency ~~call~~.

This Schedule applies only to location agencies, as defined in clause 1.

1. Interpretation

In this Schedule:

Device Location Information (DLI) means location information that is:

- (a) derived from a DLI source; and
- (b) not generated by an emergency call

DLI source means:

- (a) a telephone device;
- (b) a location capable device, other than a telephone device, that has been registered with the relevant government agency by the individual concerned, for the purpose of inclusion in the Emergency Location Information System (ELIS);
- (c) a network operator; or
- (d) an Internet service provider

emergency call means any telecommunication from a ~~mobile~~ location capable device to a specified emergency number

~~emergency caller~~ means ~~the individual who has made an emergency call~~

Emergency Caller Location Information (ECLI) means ~~personal information indicating the approximate geographical position of a mobile device, which may include the latitude, longitude and altitude of that device,~~ location information that is:

- (a) derived from an ECLI source; and
- (b) generated by an emergency call

ECLI source means:

- (a) a ~~mobile location capable~~ device enabled automatically to send ECLI to the ~~Location Area Service (LAS) system~~ ELIS when an emergency call is made; or
- (b) a network operator; or
- (c) an Internet service provider

Emergency Location Information (ELI) means:

- (a) DLI;
- (b) ECLI

emergency service provider means:

- (a) New Zealand Police;
- (b) ~~New Zealand Fire Service~~ Fire and Emergency New Zealand;
- (c) The Priory in NZ of the Most Venerable Order of the Hospital of St John of Jerusalem (St John);
- (d) Wellington Free Ambulance Service (Incorporated);
- (e) any other agency authorised by the relevant government agency under clause 2 to receive ~~ECLI~~ ELI from the ~~LAS system~~ ELIS

location agency means:

- (a) an emergency service provider;
- (b) a network operator;
- (c) the relevant government agency;
- (d) an Internet service provider

~~Location Area Service (LAS) system~~ **Emergency Location Information System (ELIS)** means the system which receives and processes ~~ECLI~~ ELI and makes ~~ECLI~~ ELI available to emergency service providers for the permitted primary purpose and permitted secondary purpose

[Note – this definition will move up to the appropriate alphabetical position]

location capable device means:

- (a) a telephone device; or
- (b) a wireless device:
 - (i) which is capable of transmitting or receiving a telecommunication; and
 - (ii) from which location information may be derived

location information means personal information indicating the approximate geographical position of a device, which may include the latitude, longitude, altitude and direction of travel of that device (whether or not it has been generated as a result of making a telecommunication)

~~**permitted primary purpose** means to enable an emergency service provider to facilitate a response to an emergency call~~

permitted primary purpose means:

- (a) in relation to ECLI, to enable an emergency service provider to facilitate a response to an emergency call; or
- (b) in relation to DLI, to enable an emergency service provider to prevent or lessen a serious threat to the life or health of the individual concerned or another individual

permitted secondary purpose means the following purposes that are directly related to the permitted primary purpose:

- (a) maintaining a record of the information used to establish the location of an emergency ~~caller~~ by an emergency service provider; and
- (b) monitoring and auditing the operation of the ~~LAS system~~ELIS by the relevant government agency

relevant government agency means the government agency responsible for the ~~LAS system~~ELIS

serious threat has the same meaning as in section 2(1) of the Act

specified emergency number means 111 or any other emergency number, agreed by the location agencies from time to time, that connects to the 111 emergency call service.

telephone device has the same meaning as in section 5 of the Telecommunications Act 2001.

2. **Additional agencies authorised to receive ~~ECLI~~ELI from the ~~LAS system~~ELIS**

- (1) For the purposes of paragraph (e) of the definition of emergency service provider, the relevant government agency may authorise an agency to receive ~~ECLI-ELI~~ from the ~~LAS-system~~ELIS where that agency:
 - (a) provides emergency services to the public; and
 - (b) requires ~~ECLI-ELI~~ from the ~~LAS-system~~ELIS for the permitted primary purpose.
- (2) An authorisation under subclause (1) will not take effect until the relevant government agency has notified the Commissioner.

3. **Collection, use, ~~and disclosure~~ and accuracy of ~~ECLI-ELI~~**

- (1) A location agency may collect, use or disclose ~~ECLI-ELI~~ if it believes on reasonable grounds that:
 - (a) the collection, use or disclosure is for a permitted primary purpose or permitted secondary purpose; and
 - (b) in the case of a disclosure – the disclosure is to another location agency.
- (2) The relevant government agency may collect ~~ECLI-ELI~~ in compliance with subclause (1)(a) either:
 - (a) ~~directly from the mobile device used to make an emergency call; or~~directly form the relevant location capable device;
 - (b) from the relevant network operator;; or
 - (c) from the relevant Internet service provider.

(2A) Before collecting, using or disclosing DLI in relation to a location capable device, a location agency must take all reasonable steps to ensure that the device relates to the individual whose location is necessary for the purpose of responding to the serious threat.

(2B) Where a location agency collects ELI, it must ensure that the frequency and duration of the collection is limited to that which is necessary for the permitted primary purpose.
- (3) A location agency may combine ~~ECLI-ELI~~ with other information – such as aggregated geolocation information – in order to improve the accuracy of ~~ECLI-ELI~~ for the permitted primary purpose.
- (4) A network operator, Internet service provider or emergency service provider is restricted by this clause in its collection, use or disclosure of ~~ECLI-ELI~~ only to the extent that the information is sourced from the ~~LAS-system~~ELIS.

4. **General duty of transparency**

- (1) Location agencies should apply a general policy of openness and transparency in respect of the ~~ECLI-system~~ELIS that enables individuals to understand and have confidence in the system.
- (2) Without limiting subclause (1), the information made available by location agencies in an appropriate way, such as on the agency's website or a shared website, should include:
 - (a) a general explanation of the ~~ECLI-system~~ELIS, including:
 - (i) how ~~ECLI-ELI~~ is generated or collected, and shared;
 - (ii) how ~~ECLI-ELI~~ will be used and the benefits to the public of the system;
 - (iii) where ~~ECLI-ELI~~ will be stored and for how long;
 - (iv) the current agencies participating in the system and their roles; and
 - (v) that the system is permitted by this Schedule; and
 - (b) guidance about individual access, correction and complaint rights in respect of the system.
- (3) Subclauses (1) and (2) do not require an emergency service provider ~~or a network operator, network operator or Internet service provider~~ to notify an individual of the collection of ~~ECLI-ELI~~ at the time of ~~an emergency call~~collection or generation.

5. Retention of ~~ECLI-ELI~~

- (1) A location agency must not keep ~~ECLI-ELI~~ for longer than is required for a permitted primary purpose or permitted secondary purpose.
- (2) Where the relevant government agency retains ~~ECLI-ELI~~ for the purpose of monitoring or auditing the operation of the ~~LAS-system~~ELIS, reasonable steps must be taken to ensure that the information is not retained in a form that is capable of identifying ~~an individual who made an emergency call~~the individual to whom the information relates.

6. Safeguards to ensure compliance

- (1) A location agency must take reasonable steps to ensure that it collects, retains, uses and discloses ~~ECLI-ELI~~ in compliance with the requirements of this Schedule.
- (2) Without limiting subclause (1), a location agency must:
 - (a) develop and maintain written policies and procedures in respect of the collection, retention, accuracy, use and disclosure of ~~ECLI-ELI~~;

- (b) provide information and training to relevant employees or agents to ensure compliance with these policies and procedures;
- (c) monitor usage and regularly check compliance with the requirements of the Schedule and, in particular, with the limitations on the retention of ~~ECL~~ELI; and
- (d) take prompt and effective action in respect of any failure to comply with the requirements of the Schedule.

(3) The relevant government agency must maintain a log of all disclosures of ELI (disclosure log), which records whether the disclosure was in reliance on the permitted primary purpose, permitted secondary purpose, or another purpose (whether or not such disclosure is required by law).

7. Assurance of compliance

- (1) The relevant government agency must, before authorising an agency under clause 2 to receive ~~ECL~~ELI from the ~~LAS system~~ELIS, seek and obtain an assurance that the agency will take the steps required by clause 6.
- (2) A location agency – including the relevant government agency – must, on request from the Commissioner, provide a written assurance that the steps required by clause 6 have been taken.
- (3) The relevant government agency must provide to the Commissioner, every three months, the disclosure log for the preceding three month period.

Appendix 2: Full text of proposed Amendment No 7
Telecommunications Information Privacy Code 2003
Amendment No 5

1. Title

This amendment is the Telecommunications Information Privacy Code 2003 Amendment No 7.

2. Commencement

This amendment will come into force on [XX April 2020].

3. Insertion of new clause 2A (review)

Part 1 is amended as follows:

Insert: 2A. Review

The Commissioner will review the operation of Amendment No 7 from time to time, and no later than two years after it comes into force.

4. Amendment to clause 4 (application of code)

Clause 4(1) is amended as follows:

Insert: (d) additionally, for the purposes of Schedule 4, location information as defined in clause 1 of Schedule 4.

5. Amendment to clause 5: Rule 3 (collection from individual)

Rule 3 is amended as follows:

Insert: (5) Where a network operator or Internet service provider participates in the emergency location information system in accordance with Schedule 4, it must ensure that additional steps required by clause 4 of Schedule 4 are taken to meet specific transparency obligations in relation to the system.

6. Amendments to clause 5: Rule 5 (storage and security)

Subrule 5(1A) is amended as follows:

Insert: after “network operator”, the words “or Internet service provider”

Delete: the word “caller”

7. Amendment to clause 5: Rule 8 (accuracy etc)

Rule 8 is amended as follows:

Insert: (3) Before disclosing device location information in accordance with Schedule 4, a network operator or Internet service provider must ensure that additional steps required by clause 3(3) of Schedule 4 are taken to ensure the accuracy and relevance of the information.

8. Amendments to Schedule 4: Title and preamble

(1) The title of Schedule 4 is amended as follows:

Delete: **Emergency caller location information (mobile)**

Replace with: **Emergency location information system**

(2) The preamble to Schedule 4 is amended as follows:

Delete: all instances of the word “ECLI”

Replace with: ELI

Delete: from the first paragraph, the word “caller”

Insert: in the first paragraph, after the words “network operators”, the words “or Internet service providers”

Insert: at the end of the first paragraph, the words “; or to prevent or lessen a serious threat to an individual’s life or health”

Delete: from the second paragraph, the words “by enabled mobile devices, and by network operators using cell tower locations,”

Insert: at the end of the second paragraph, the sentence “It also regulates the use of technology that enables the collection of location information about location capable devices in the

absence of an emergency call from the individual concerned, where a serious threat to individual life or health exists.”

Delete: from the end of paragraph 3, the word “call”

9. Amendments to Schedule 4: Clause 1 (interpretation)

(1) Clause 1 of Schedule 4 is amended as follows:

Insert: in the appropriate alphabetical order:

Device Location Information (DLI) means location information that is:

- (a) derived from a DLI source; and
- (b) not generated by an emergency call

DLI source means:

- (a) a telephone device;
- (b) a location capable device, other than a telephone device, that has been registered with the relevant government agency by the individual concerned, for the purpose of inclusion in the Emergency Location Information System (ELIS);
- (c) a network operator; or
- (d) an Internet service provider

Emergency Location Information (ELI) means:

- (a) DLI;
- (b) ECLI

location capable device means:

- (a) a telephone device; or
- (b) a wireless device:
 - (i) which is capable of transmitting or receiving a telecommunication; and
 - (ii) from which location information may be derived

location information means personal information indicating the approximate geographical position of a device, which may include the latitude, longitude, altitude and direction of travel of that device (whether or not it has been generated as a result of making a telecommunication)

serious threat has the same meaning as in section 2(1) of the Act

telephone device has the same meaning as in section 5 of the Telecommunications Act 2001.

(2) Clause 1 of Schedule 4 is amended as follows:

Delete: from the definition of “ECLI source”, the word “mobile”
Replace with: location capable

Delete: from the definition of “ECLI source”, the words “Location Area Service (LAS) system”
Replace with: ELIS

Insert: in the definition of “ECLI source”, new subclause (c):
 (c) an Internet service provider

(3) Clause 1 of Schedule 4 is amended as follows:

Delete: subclause (b) of the definition of “emergency service provider”
Replace with: (b) Fire and Emergency New Zealand;

Delete: from subclause (e) of the definition of “emergency service provider”, the word “ECLI”
Replace with: ELI

Delete: from subclause (e) of the definition of “emergency service provider”, the words “LAS system”
Replace with: ELIS

(4) Clause 1 of Schedule 4 is amended as follows:

Delete: The definition of “permitted primary purpose”
Replace with: **permitted primary purpose** means:
 (a) in relation to ECLI, to enable an emergency service provider to facilitate a response to an emergency call;
 or
 (b) in relation to DLI, to enable an emergency service provider to prevent or lessen a serious threat to the life or health of the individual concerned or another individual

(5) Clause 1 of Schedule 4 is amended as follows:

Delete: from subclause (a) of the definition of “permitted secondary purpose”, the word “caller”

Delete: from subclause (b) of the definition of “permitted secondary purpose”, the words “LAS system”

Replace with: ELIS

(6) Clause 1 of Schedule 4 is amended as follows:

Delete: from the definition of “Location Area Service (LAS) system”, the words “Location Area Service (LAS) system”

Replace with: **Emergency Location Information System (ELIS)**

Delete: from the definition of “Location Area Service (LAS) system”, all instances of the word “ECLI”

Replace with: ELI

(7) Clause 1 of Schedule 4 is amended as follows:

Delete: from the definition of “emergency call”, the word “mobile”

Replace with: location capable

Delete: the definition of “emergency caller”

Delete: from the definition of “Emergency Caller Location Information (ECLI)”, the words “personal information indicating the approximate geographical position of a mobile device, which may include the latitude, longitude and altitude of that device,”

Replace with: location information

Insert: in the definition of “location agency”, new subclause (ba):

(ba) an Internet service provider;

Delete: from the definition of “relevant government agency”, the words “LAS system”

Replace with: ELIS

10. Amendments to Schedule 4: Clause 2 (authorisation of additional agencies)

Clause 2 of Schedule 4 is amended as follows:

Delete: all instances of the word “ECLI”

Replace with: ELI

Delete: all instances of the words “LAS system”

Replace with: ELIS

11. Amendments to Schedule 4: Clause 3 (collection, use, disclosure etc)

(1) Clause 3 of Schedule 4 is amended as follows:

Delete: the heading of clause 3

Replace with: **3. Collection, use, disclosure and accuracy of ELI**

(2) Clause 3 of Schedule 4 is amended as follows:

Delete: all instances of the word "ECLI"

Replace with: ELI

Delete: from subclause (4), the words "LAS system"

Replace with: ELIS

(3) Clause 3 of Schedule 4 is amended as follows:

Delete: subclause (2)(a)

Replace with: (a) directly from the relevant location capable device;

Insert: new subclause 2(c):

(c) from the relevant Internet service provider

Insert: in subclause (4), after "network operator", the words ", Internet service provider"

(4) Clause 3 of Schedule 4 is amended as follows:

Insert: new subclause 2A:

(2A) Before collecting, using or disclosing DLI in relation to a location capable device, a location agency must take all reasonable steps to ensure that the device relates to the individual whose location is necessary for the purpose of responding to the serious threat.

(5) Clause 3 of Schedule 4 is amended as follows:

Insert: new subclause 2B:

(2B) Where a location agency collects ELI, it must ensure that the frequency and duration of the collection is limited to that which is necessary for the permitted primary purpose.

12. Amendments to Schedule 4: Clause 4 (transparency)

(1) Clause 4 of Schedule 4 is amended as follows:

Delete: from subclause (1), the words “ECLI system”

Replace with: ELIS

Delete: from subclause 2(a), the words “ECLI system”

Replace with: ELIS

Delete: all remaining instances of the word “ECLI”

Replace with: ELI

(2) Clause 4 of Schedule 4 is amended as follows:

Insert: in subclause (2)(a)(i), after “generated”, the words “or collected,”

Delete: from subclause (3), the words “or a network operator”

Replace with: “, network operator or Internet service provider”

Delete: from subclause (3), the words “an emergency call”

Replace with: collection or generation

13. Amendments to Schedule 4: Clause 5 (retention)

(1) Clause 5 of Schedule 4 is amended as follows:

Delete: all instances of the word “ECLI”

Replace with: ELI

(2) Clause 5 of Schedule 4 is amended as follows:

Delete: from subclause (2), the words “an individual who made an emergency call”

Replace with: “the individual to whom the information relates”

Delete: from subclause (2), the words “LAS system”

Replace with: ELIS

14. Amendments to Schedule 4: Clause 6 (safeguards)

(1) Clause 6 of Schedule 4 is amended as follows:

Delete: all instances of the word “ECLI”

Replace with: ELI

(2) Clause 6 of Schedule 4 is amended as follows:

Insert: in subclause (2)(a), after the words “collection, retention”, the word “accuracy,”

(3) Clause 6 of Schedule 4 is amended as follows:

Insert: (3) The relevant government agency must maintain a log of all disclosures of ELI (**disclosure log**), which records whether the disclosure was in reliance on the permitted primary purpose, permitted secondary purpose, or another purpose (whether or not such disclosure is required by law).

15. Amendments to Schedule 4: Clause 7 (assurance of compliance)

(1) Clause 7 of Schedule 4 is amended as follows:

Delete: from subclause (1), the word “ECLI”

Replace with: ELI

Delete: from subclause (1), the words “LAS system”

Replace with: ELIS

(2) Clause 7 of Schedule 4 is amended as follows:

Insert: (3) The relevant government agency must provide to the Commissioner, every three months, the disclosure log for the preceding three month period.